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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Thomas M. Jessell et al.
Serial No.: 09/654,462 Group Art Unit: 1632
Filed : September 1, 2000 Examiner: A.M. Falk, Ph.D.
For : GENETIC DEMONSTRATION OF REQUIREMENT FOR NKX6.1
AND NKX2.2 IN VENTRAL NEURON GENERATION

Date of Notice
of Allowance: October 18, 2004 Confirmation No.: 6093
Issue Fee Due: January 18, 2005

1185 Avenue of the Americas
New York, New York 10036
November 9, 2004

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

A Notice of Allowance was issued by the United States Patent and Trademark Office on October 18, 2004 in connection with the above-identified application. Therefore, the issue fee is due on January 18, 2005. Accordingly, this supplemental Information Disclosure Statement and accompanying Request for Continued Examination ("RCE") in compliance with 37 C.F.R. §1.114, which are being submitted in lieu of paying the issue fee, are considered timely.

Applicants are filing this Supplemental Information Disclosure Statement to supplement the Information Disclosure Statement filed on October 23, 2001, and the supplemental Information

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Disclosure Statements filed on February 13, 2002 and July 16, 2004 in connection with the subject application.

In accordance with their duty of disclosure under 37 C.F.R. §1.56 and pursuant to 37 C.F.R. §1.97(b)(4), applicants direct the Examiner's attention to the references which are listed on the attached Form PTO-1449 (**Exhibit A**):

1. U.S. Patent No. 6,235,885 B1, issued May 22, 2001 to Jessell et al.;
2. U.S. Patent No. 6,387,656 B1, issued May 14, 2002 to Jessell et al.;
3. U.S. Patent No. 6,566,092 B1, issued May 20, 2003 to Jessell et al.;
4. U.S. Serial No. 09/820,598, filed March 29, 2001, U.S. Publication No. US 2003-0104374 A1, published June 5, 2003, on behalf of Thomas M. Jessell et al.;
5. U.S. Serial No. 10/095,932, filed March 11, 2002, U.S. Publication No. US 2002-0197678 A1, published December 26, 2002, on behalf of Thomas M. Jessell et al.;
6. U.S. Serial No. 10/411,927, filed April 11, 2003, U.S. Publication No. US 2004-0005602 A1, published January 8, 2004 on behalf of Thomas M. Jessell et al.;
7. PCT International Application No. PCT/US95/02315, filed

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February 24, 1995, International Publication No. WO95/23223 A1, published August 31, 1995, on behalf of The Trustees of Columbia University in the City of New York (**Exhibit 1**);

8. PCT International Application No. PCT/GB98/01862, filed June 25, 1998, International Publication No. WO99/00516 A2, published January 7, 1999, on behalf of Medical Research Council (**Exhibit 2**);
9. PCT International Application No. PCT/US99/22517, filed September 29, 1999, International Publication No. WO00/18884 A1, published April 6, 2000, on behalf of The Trustees of Columbia University in the City of New York (**Exhibit 3**); and
10. Sander et al. (2000) "Ventral Neural Patterning by *Nkx* homeobox genes: *Nkx6.1* Controls Somatic Motor Neuron and Ventral Interneuron Fates," *Genes & Development* 14: 2134-2139 (**Exhibit 4**).

European Patent Application No. 01968382, filed August 31, 2001, is the regional stage application of PCT International Application No. PCT/US01/27256, filed August 31, 2001, which is the foreign counterpart claiming priority of and the benefit under 35 U.S.C. §120 of the subject application. A Supplementary Partial European Search Report was issued by the European Patent Office on August 19, 2004 in connection with European Patent Application No. 01968382. A copy of the Search Report is attached hereto as **Exhibit B**. Above listed

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references 7-10 were cited in the Search Report. Applicants attach hereto copies of above-listed references 7-10 as **Exhibits 1-4**, respectively.

Above listed references 1, 3 and 6 are related to reference 7, on which applicant Thomas M. Jessell is a named inventor. Specifically, reference 7 is the foreign counterpart and claims priority of reference 1. Reference 3 is a national stage application which claims priority of reference 7. Reference 6 is a divisional application which claims priority of reference 3. Above listed references 1, 3 and 6 are U.S. patents and U.S. patent application publications. Accordingly, pursuant to 37 C.F.R. §1.98(a)(2)(ii) copies of these references are not required to be provided to the United States Patent and Trademark Office.

Above listed references 2, 4 and 5 are related to reference 9, on which applicant Thomas M. Jessell is a named inventor. Specifically, reference 9 is the foreign counterpart and claims priority of reference 2. Reference 4 is a national stage application which claims priority of reference 9. Reference 5 is a divisional application which claims priority of reference 2. Above listed references 2, 4 and 5 are U.S. patents and U.S. patent application publications. Accordingly, pursuant to 37 C.F.R. §1.98(a)(2)(ii) copies of these references are not required to be provided to the United States Patent and Trademark Office.

Applicants note that Qui, M. et al. (1998) *Mech. Dev.* 72:77-88, which is also cited in the attached Search Report, was

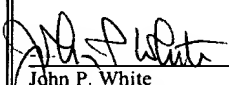
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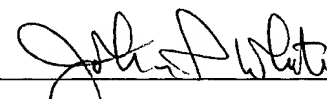
previously submitted to and considered by the United States Patent and Trademark Office in an Information Disclosure Statement filed on October 23, 2001, in connection with this application.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee, other than the enclosed \$385.00 RCE filing fee, is deemed necessary in connection with the filing of this supplemental Information Disclosure Statement. However, if any additional fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
 John P. White Reg. No. 28,678	11/9/04 Date


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